



United States  
Department of  
Agriculture

Forest  
Service

Sawtooth National Forest  
Burley-Twin Falls  
Ranger District

3650 South Overland Ave.  
Burley Id. 83318  
208-678-0430  
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File Code: 2810

Date: February 26, 2002

m/003/016

Mr. Bill Bown  
Utah Building Stone Supply  
842 West 400 North  
West Bountiful, UT 84087

Dear Mr. Bown,

On December 13, 2001 we met with you at our office to discuss your proposed operations at the Dove Creek Quarry in Clarks Basin on the Raft River Division of the Sawtooth National Forest. During this meeting I agreed to give you an update on the possibility of beginning NEPA (National Environmental Policy Act) for your proposal and also doing research into road access to Forest Service land in the Clark's Basin area.

Because of issues relating to resource damage created by the unauthorized road construction related to Interstate Stone done in September 2000, we are unable to consider beginning NEPA until the resource damage issue is settled. Since a portion of this road appears to be the main access to the two proposed quarry locations, it would not be possible to adequately analyze the possible impacts of your proposed operations until the final disposition of this road is decided. We are currently evaluating both the resource damage and what will be required for reclamation of this road. Once this is completed, we will be in a better position in determining if we can begin NEPA as you have requested.

The road access to the Forest Service land through the private land south of Clark's Basin would be an issue between you, Box Elder County, and the private land owner. According to Denny Beecher of Box Elder County, the access to the Forest Service land through the private cannot be upgraded without the consent of the private land owner.

If you have any questions please contact Steve Flock, Minerals Management Specialist, at the above address or telephone number.

Sincerely,

SCOTT C. NANNENGA  
Burley/Twin Falls District  
Ranger

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DIVISION OF  
OIL, GAS AND MINING



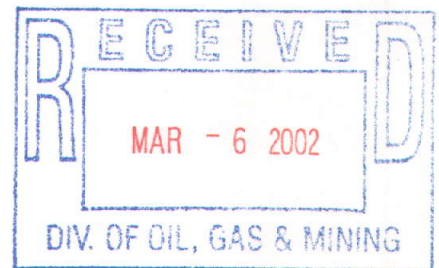


## Bonneville Quarries, Inc.

Mr. Scott Nannenga – District Ranger  
Sawtooth National Forest  
Burley/Twin Falls Ranger District  
3650 South Overland Ave.  
Burley, Idaho, 83318

Mar. 4, 2002

RE: Dove Creek Quarry, Clarks Basin



Dear Mr. Nannenga,

Thank you for your letter of Feb. 26, 2002. I appreciate your response to our meeting of Dec. 13, 2001 as promised. I have just a couple of questions, the answers to which will help me better understand the explanations that you have offered.

In the second paragraph of your letter you mention resource damage created by the road construction related to Interstate Rock. Please let me know what specifically you are referring to here. What portions of the road, etc. and what the specific "resource damage" is. Also, when and how are these issues to be settled? Please explain what "final disposition" of the road refers to, as mentioned midway through the second paragraph. I am not certain as to whether this is referring to reclamation requirements, exact road location, or something else. Further, am I to understand that even when all of the above has been settled and resolved, that at that time, you will merely be in a better position to determine if the Forest can begin the NEPA process? Please let me know what I might do to assist in the expedition of these issues and this process.

I am enclosing copies of portions of our L.M.O. Plan ( Table 1- "Schedule of Operations and Reclamation" ) for your reference and review. Also a copy of a letter that I received from Ranger Petersen's office in March of 1999, and a copy of my amendment "cover" sheet as sent in Jan. of 2001. Please note with reference to Table 1 that prior to our amendment the two quarry sites at issue were referred to as Sunshine East and West respectively. At point 4 of our 1999 Forecast we clearly state intentions to improve the access road and to begin soil and waste rock stockpiles at the Sunshine East and West locations.

Petersen's letter of Mar 17, 1999 is a formal notice of non-compliance. He states the reasons for the status as the lack of approved Plans of Operation and sufficient bonds. Then he goes on to state that the Plans as submitted can be approved as soon as sufficient bonds were provided. He did not identify the

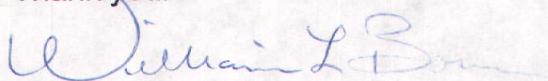


Plans as lacking as to form and content, but merely that sufficient reclamation bonds as per the Plans had not yet been provided. These bonds were subsequently put in place as required, the obligatory public comment period was endured, and the operator received final approval from the Utah Division of Oil, Gas, and Mining in Spring of 2000. A full five years into the process! It was understood by the operator, that the UDOGM had a memorandum of understanding with the Burley Ranger District, and that said approval would satisfy the requirements of all regulatory agencies involved. (Also enclosed is a letter to Peterson from me dated Jan. 24, 2001) wherein much of what I have just stated is more detailed.)

I have attempted to explain on numerous occasions that we were within the framework of our approved Plan when the road which accesses the quarries at issue, was improved and constructed. I cannot speak as to what approval, if any, Interstate Rock had at the time. Only that I felt and yet feel that I have done all that was/is required of me with regard to the original Plan as submitted and approved. Part of which clearly called for improvements to, and development of the road and quarry sites at issue. I submitted an amendment to my original Plan at the urging of Peterson, to enhance accuracy as to the size and location of these sites. These proposals have already been through most of the approval process (attached to the original Plan), including archaeological surveys, soil surveys, etc. and public comment period, and should not be subjected to the entire process twice.

Your position on the road access through private land is surprising. Since this road was officially a Forest Service access road long before any privatization of adjacent surface, or County classification. I am quite certain that it remains a Forest Access road complete with a serial number attached. I am also certain that the federal government retained a number of easements along the route as well. If the Forest were to decide that a road similar to that which accesses the Almo Park area were to become essential to Clarks Basin, would it be required to purchase the necessary width? Affidavits of assessment incident to mining activities in Clarks Basin also indicate that said road was utilized in those activities predating any private surface along the route. These affidavits date to 1961. In accordance with both State and Federal Law, if the operator were to determine that it would be prudent to improve the road, he is within his legal right to propose such improvement and to pursue approval of said proposal. With respect to the road the mine operator would certainly be in a senior position.

Please review this letter and respond at your earliest opportunity. It is critical that this issue be resolved, and that the process can be expedited as soon as possible. Thank you.



Sincerely, William L Bown



TABLE 1  
DOVE CREEK QUARRY  
SCHEDULE OF OPERATIONS AND RECLAMATION

1998 (PLAN)

OPERATION

- A. MAIN QUARRY, contract stone excavating and hauling of about 3,000 tons to an off site process (splitting, sizing and palletizing) facility over about a 4-6 week period.
- B. UPPER WHITE QUARRY, recovery of about 300 tons from an initial pit about 100' long (E-W) and 40' wide (N-S).
- C. WEST RIDGE QUARRY, production of about 200 tons of patio stone from the southern portion (1/3 acre) of the quarry that is not reclaimed in 1998.
- D. SUNSHINE-EAST PROSPECT, basic access to and exploration of the exposed stone site and early, limited development-if warranted.
- E. SUNSHINE-WEST PROSPECT, same tentative program as for Sunshine- East.

1999 (FORECAST)

- A. MAIN QUARRY, continued operation at about 3,000-4,000 annual ton level.
- B. UPPER WHITE QUARRY, continued operation at about 300-450 annual ton level. Some extension to initial pit.
- C. WEST RIDGE QUARRY, sustained recovery of patio stone depending upon market demand.
- D&E. SUNSHINE-EAST & WEST, continue early development and some trial stone production if justified.

2,000-2,005 (PROJECTION)

- A. MAIN QUARRY, continued level of operations with quarry face progressing northeasterly.
- B. UPPER WHITE QUARRY, production continues at or above earlier levels.
- C. WEST RIDGE QUARRY, sustained production at market demand level.
- D&E. SUNSHINE-EAST & WEST, actual production being studied and evaluated.

1998 (PLAN)

RECLAMATION

1. MAIN QUARRY, presently at 3.72 acres in extent (410' N-S by 375' E-W). A 1 to 1 1/4 acre tract at the north end (former splitting & parking site) will be reclaimed.
  2. UPPER WHITE QUARRY, a sidehill tract of 2.33 acres (300' width, 275' length with a 150' by 90' extension. Plan for berm improvement along south limit.
  3. WEST RIDGE QUARRY, complete the reclaim on the 3.15 acre tract begun in 1987 except for about a 1/3 acre parcel on the south end. E & W access roads left.
  4. SUNSHINE EAST (0.7 acres) & SUNSHINE WEST (0.55 acres), early exploration and development, no reclaim expected. Rock outcrop only-no soil.
  5. "BLUE TRAILER" (0.10 acre) & "QUARRY" (0.15) CAMPS, trailers and remnants of camp use removed and sites reclaimed-including seeding.
  6. FAR WHITE QUARRY, complete reclaim of 0.65 acre site and access road G.
- 1999 (FORECAST)
1. MAIN QUARRY, second stage of north end reclamation on about 1/2 to 3/4 acre. Reworking and contouring of large east end waste rock stockpile and highwall backfill.
  2. UPPER WHITE QUARRY, partial filling of initial pit with waste rock.
  3. WEST RIDGE QUARRY, placement of waste rock in 1/3 acre south end pit.
  4. SUNSHINE EAST & WEST, possible road improvement and initial soil and waste rock stockpiles and down slope berms developed.
  5. FAR WHITE SITE, follow-up on Revegetation for site and access road.
- 2,000-2,005 (PROJECTION)
1. MAIN QUARRY, waste rock fill in retreat of main face. Soil covering & seeding.
  2. UPPER WHITE QUARRY, sequence of quarry advances to north and east followed by waste rock filling. Mixed soil and fines spread and seeded.
  3. WEST RIDGE QUARRY, completion of reclaim on depleted 1/3 acre pit.

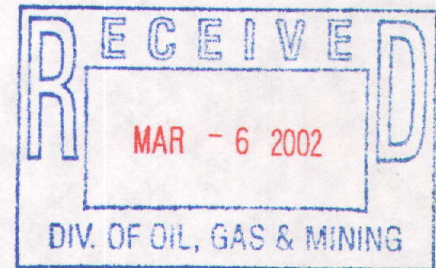
Also refer to summaries of Reclamation Schedule and Topsoil Resources and Map 2.  
WLB/RFR April 1998



Utah Building Stone Supply  
842 West 400 North  
West Bountiful, Utah 84087  
801-295-0601

Jan. 24, 2001

Donald E. Peterson – District Ranger  
Burley/Twin Falls Ranger District  
3650 South Overland Ave.  
Burley, Idaho 83318-0430



Dear Pete:

I am in receipt of your letter of Jan. 22, 2001. It was/is my understanding that all surveys and assessments had been completed for areas that I had identified as planned disturbances incident to my L.M.O. Plan for the Dove Creek Quarry. This Plan was first submitted in the fall of 1995, and initially reviewed sometime prior to January of 1996. ( see enclosed review copy ) This Plan proposed treatments to the areas that I believe are in question of such a nature that an EA was required. These areas included portions of the now infamous quarry access road, and the quarries to which it would provide access. At table 1, (see enclosed copy) of the Plan as submitted in April of 1998, proposals are clearly laid out for quarry development and access road improvements in the NW ¼ of sec. 13 as early as summer of '98. A little less than 1 year later I received a formal notice of non-compliance from you for both the Dove Creek and Lynn Spring operations. (please see enclosed copy dated March 17, 1999) The letter clearly states that both the Plans could be approved "as soon as sufficient bonds have been provided". It doesn't mention incomplete EA work, only the provision of the necessary bonds.

If the EA has in fact not been completed on these certain portions of planned/proposed areas of disturbance incident to a Plan which has been in the review and approval process for over 5 years, then I believe that you would have to agree that there have been some real oversights, and that the



blame for the debacle of last fall should be shared by all involved in the process, including the regulators. I do not know how such an oversight could be justified for even one year, let alone five. All we want to do is exercise our right to enter our valid claims and extract stone. As mining goes, the quarrying of building stone of this nature is a benign treatment of the surface at worst. Now, supposing the EA process is found to be incomplete, I am informed in effect, that if I want it completed in any sort of a reasonable period, I can hire a consultant to do it.

Your estimate of a time requirement for the "in house" completion of the NEPA requirements boggles the mind. I have enclosed a copy of a time line furnished to me by you at our meeting last fall which indicates a requirement of 180 days for the completion of the process. Have there been such changes to your staff since that time as to so drastically effect the time requirement? We discussed it rather at length that day. Your statement of three years seems to me to be a round about way of stating that you don't much care if we ever get up there or not. I understand your staffing problems at present, but as I review paragraph 4 of your Jan. 22 letter it is apparent that you intend to oversee the entire NEPA process including adherence to any pertinent regulations, and evaluation of principal's of consultants and subs. as to expertise. It seems then, that you lack only an individual to complete any required field- work. Wouldn't it be possible to "borrow" a mineral's specialist from an adjacent District or Agency to attend to the completion of the EA field requirements as they may relate to my specific case? It is my understanding that necessary MOU's are in place.

Perhaps you are still angry with us for what you perceive to have been an egregious act by ourselves, and others, last fall. For our part in the mess, we apologize profusely. We did not venture onto the Forest, and in blatant disregard of regulation, start ripping the world apart, as has been alluded to. We were guilty of not being aware of how detailed certain points to our Plan must be prior to implementation. We were of the understanding that our Plan had obtained final approval, and with bonds in place, we proceeded. No one from your office had given us any idea that there were as yet, unfulfilled requirements with respect to our Plan.

With respect to the infamous road. Had anyone from any of the pertinent regulatory agencies even casually reviewed the Base Map as submitted, they most assuredly would have noticed that the road was too steeply pitched as it approached the respective quarries, and was too rough



and sidled along it's entire length to have been an acceptable mine road. The operator could then have been made aware of this particular flaw and worked with the Forest and others to amend it.

I guess what is bothering me most about this deal is that it seems the only entity in this entire scenario that is accountable is the operator. If the Forest requires 8 years to fulfill it's stewardship it just takes them, no questions asked. If it is remiss in the review of Plans as submitted, the operator is obliged to just wait it out, as long as it may take. The operator has no recourse. He cannot place the regulator in non-compliance. It doesn't seem to matter whether he is able to work or not. His plans, proposals, ideas, and marketing strategies just don't matter. His rights in the final analysis just don't matter. And if he doesn't like it he can just quit and do something else. But let him vary even minutely from the Plan, or be slightly remiss in his vigilance to compliance, and he is busted straight away. His operation is shut down, which stops his cash flow, and he is stamped with a title of non-compliance, which brands him a no good for the rest of his career.

There seems to be no such thing as a shortage of field operatives with the regulators when it comes to investigating, at length, acts of alleged non-compliance. Clearly the approval process of mines and quarries does not enjoy the same priority as policing the operators of those mines and quarries but rather, is a non-priority, and likely looked upon as something abhorrent. There is no other conclusion that can be drawn as one studies the history of the Approval Process of the Dove Creek Quarry L.M.O.

I am desperately hopeful that these studies, surveys, and assessments have been completed as they relate to my operation at Clarks Basin, and that as you research the file you will find this to be so. There doesn't seem to me to be any good reason for them not to have been completed. After all, it has been 5 years. Please, whatever your perception of me is, don't be personally offended by the language of this letter. I'm certain that you can relate to a man's frustration. That's basically what fueled these paragraphs. I mean no personal offense, but I just don't understand what has been going on with my Plan. If you can assist me in understanding I would greatly appreciate it.

Sincerely,

William L Bown